

**UNITED STATES DISTRICT COURT**  
for the  
District of South Carolina

Mark Fitzhenry

*Plaintiff*

v.

Festiva Development Group, Inc.; )

Herbert H. Patrick, Jr., individually, d/b/a )

Festiva; and Etourandtravel, Inc., )

*Defendant*

Civil Action No. 2:16-cv-3725 DCN

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that *(check one)*:

☐ the plaintiff *(name)* \_\_\_\_\_ recover from the defendant *(name)* \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* \_\_\_\_\_ recover costs from the plaintiff *(name)* \_\_\_\_\_.

☒ other: It is ordered, the magistrate judge's report and recommendation is affirmed, and this case is dismissed with prejudice for failure to prosecute.

This action was *(check one)*:

☐ tried by a jury with Judge \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision was reached.

☒ decided by the Honorable David C. Norton, United States District Judge, presiding, adopting Magistrate Judge Bristow Marchant's Report and Recommendation.

Date: December 27, 2017

CLERK OF COURT

s/Elena Graham

*Signature of Clerk or Deputy Clerk*